

### REMARKS

This Amendment is submitted in response to the Office Action dated May 30, 2007. In the Office Action, the Patent Office rejected Claims 30-34 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0071902 to *Santelli* in view of U.S. Patent No. 6,248,342 to *Trogolo et al.*

By the present Amendment, Applicants amended Claims 30-34 and added new Claims 35-55. Applicants assert that the amendments to the claims and the remarks that follow overcome the rejections made by the Patent Office and place the application in condition for allowance.

In the Office Action, the Patent Office rejected Claims 1-11 under 35 U.S.C. §103(a) as being unpatentable over *Santelli* in view of *Trogolo et al.* More specifically, the Patent Office alleges that *Santelli* discloses a process for making a biocide-containing laminate by providing a plastic film having first and second sides; treating the first side of the film with a corona discharge to make it receptive to adhesives; laminating a paper sheet to the plastic film; and associating a biocide with the laminate. Further, the Patent Office admits that *Santelli* does not disclose an antimicrobial layer of polyethylene containing silver zeolite and alleges that *Trogolo et al.* disclose zeolites with silver salts used in absorbent tissue products.

Claim 30, as amended, requires the steps of providing a sheet; connecting a water resistant layer to the first side of the sheet; connecting a first antimicrobial layer to the water resistant layer wherein the water resistant layer is located between the antimicrobial layer and the sheet wherein the first antimicrobial layer is made of polyethylene having silver zeolite; and connecting a second antimicrobial layer to the second side of the sheet wherein the second antimicrobial layer is made from polyethylene having silver zeolite. Claim 30 further requires providing a plurality of depressions uniformly spaced across the first side of the sheet.

Claim 31, as amended, requires the steps of providing a sheet; connecting an antimicrobial layer to the first side of the sheet wherein the antimicrobial layer is made from polyethylene having silver zeolite; connecting a water resistant layer to the second side of the sheet; and connecting a second water microbial layer to the water resistant layer wherein the water resistant layer is located between the second microbial layer and the sheet.

Claim 32, as amended, requires the step of providing a plurality of channels in the sheet wherein the plurality of channels extend an entirety of the length of the sheet. Claim 33, as amended, requires the step of providing a plurality of depressions in the sheet wherein the plurality of depressions are in rows extending an entirety of the length of the sheet. Claim

34, as amended, requires the step of providing a plurality of depressions uniformly spaced across the first side of the sheet.

*Santelli* merely discloses a biocide-containing laminate fabricated from a paper-plastic laminate sheeting that is adhesively laminated. *Santelli* discloses only a paper-plastic laminate (page 3, paragraph 28), a plastic-paper-plastic laminate (page 3, paragraph 34), a plastic-plastic laminate (page 4, paragraph 35) and paper-plastic-plastic, paper-plastic-plastic-paper, paper-plastic-paper-plastic and paper-plastic-paper-plastic-paper laminates (page 5, paragraph 54). These laminates are in contrast to a first polyurethane antimicrobial layer attached to a water resistant layer attached to a sheet attached to a second polyurethane antimicrobial layer, which provides the plastic-paper-plastic-plastic laminate of Claims 30 and 31. *Santelli* does not disclose a plastic-paper-plastic-plastic laminate. Moreover, *Santelli* does not disclose indentations or channels in the paper.

*Trogolo et al.* merely disclose an antibiotic low density polyethylene having silver zeolite. *Trogolo et al.* merely disclose dispersing antimicrobial particles in an adhesive coating applied to a high pressure laminate and do not remedy the deficiencies of *Santelli* with respect to the structure of the claimed invention.

Nowhere do *Santelli* or *Trogolo et al.*, taken singly or in combination, teach or suggest providing a sheet; connecting a water resistant layer to the first side of the sheet; connecting a

first antimicrobial layer to the water resistant layer wherein the water resistant layer is located between the antimicrobial layer and the sheet wherein the first antimicrobial layer is made of polyethylene having silver zeolite; connecting a second antimicrobial layer to the second side of the sheet wherein the second antimicrobial layer is made of polyethylene having silver zeolite as required by amended Claim 30. Moreover, nowhere do *Santelli* or *Trogolo et al.*, taken singly or in combination, teach or suggest providing a plurality of depressions uniformly spaced across the first side of the sheet as required by amended Claim 30.

Nowhere do *Santelli* or *Trogolo et al.*, taken singly or in combination, teach or suggest providing a sheet; connecting an antimicrobial layer to the first side of the sheet wherein the antimicrobial layer is made of polyethylene having silver zeolite; connecting a water resistant layer to the second side of the sheet; and connecting a second water microbial layer to the water resistant layer wherein the water resistant layer is located between the second microbial layer and the sheet as required by amended Claim 31.

Nowhere do *Santelli* or *Trogolo et al.*, taken singly or in combination, teach or suggest providing a plurality of channels in the sheet wherein the plurality of channels extend across the length of the sheet as required by amended Claim 32. Nowhere do *Santelli* or *Trogolo et al.*, taken singly or in combination, teach

or suggest providing a plurality of depressions in the sheet wherein the plurality of depressions are in continuous rows extending across the length of the sheet as required by amended Claim 33. Nowhere do *Santelli* or *Trogolo et al.*, taken singly or in combination, teach or suggest providing a plurality of depressions uniformly spaced across the first side of the sheet as required by amended Claim 34.

Moreover, a person of ordinary skill in the art would never have been motivated to combine the teachings of *Santelli* with *Trogolo et al.* in the manner suggested by the Patent Office in formulating the rejection under 35 U.S.C. §103(a). Specifically, no teaching or suggestion exists to use the zeolite-containing polyurethane disclosed in *Trogolo et al.* with the laminates of *Santelli*. It is submitted that the question under §103 is whether the totality of the art would collectively suggest the claimed invention to one of ordinary skill in this art. *In re Simon*, 461 F.2d 1387, 174 USPQ 114 (CCPA 1972).

That elements, even distinguishing elements, are disclosed in the art is alone insufficient. It is common to find elements somewhere in the art. Moreover, most if not all elements perform their ordained and expected functions. The test is whether the invention as a whole, in light of the teachings of the references in their entireties, would have been obvious to one of ordinary

skill in the art at the time the invention was made. *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983). It is insufficient that the art disclosed components of Applicants' invention, either separately or used in other combinations. A teaching, suggestion, or incentive must exist to make the combination made by Applicants. *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1988).

With the analysis of the deficiencies of *Santelli* and *Trogolo et al.* in mind, as enumerated above, no reason or suggestion in the evidence of record exists why one of ordinary skill in the art would have been led to combine *Santelli* and *Trogolo et al.* to produce the claimed invention. Therefore, *prima facie* obviousness has not been established by the Patent Office as required under 35 U.S.C. §103.

Even assuming that one having ordinary skill in the art could somehow have combined the references applied by the Patent Office, the references still lack the novel features and steps positively recited in amended independent Claims 30-34. Accordingly, Applicants assert that the rejection of Claims 30-34 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

In view of the foregoing, Applicants respectfully submit that Claims 35-55 are in allowable form and that the application is in condition for allowance. If, however, any outstanding issues

remain, Applicants urge the Patent Office to telephone Applicants' attorney so that the same may be resolved and the application expedited to issue. Applicants request the Patent Office to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,

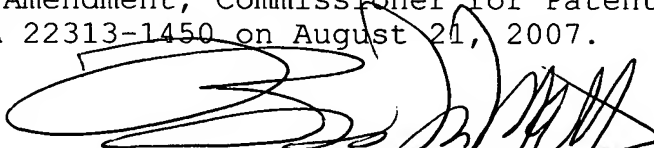


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**CERTIFICATE OF MAILING**

I hereby certify that this **Amendment, Transmittal (in duplicate)** and **Return Receipt Postcard** are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 21, 2007.



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